IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

RSA.No. 917 of 2006()

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AS.268/2004 of I ADDL. DISTRICT COURT, TRIVANDRUM
OS.1183/2000 of II ADDL.M.C.,TRIVANDRUM

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APPELLANT/PLAINTIFF:

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BALAN NAIR, S/O.KRISHNA PILLAI,
T.C.42/136, MULLASSERI VEEDU,
VIRUTHIVILAKATHU MURI, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.J.HARIKUMAR

RESPONDENTS: DEFENDANTS:

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1. REGHA MOHAN, D/O.VIJAYA LEKSHMI,
T.C.42/127, JAYAREKHA, SREEVARAHAM MURI,
VIRUTHIVILAKATHU MURI, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM.

2. MOHANAN NAIR, H/O.1ST RESPONDENT
OF DO. DO.

BY ADV. SRI.D.SAJEEV
SMT.S.B.JAYARESMI

THIS REGULAR SECOND APPEAL HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B.RADHAKRISHNAN, J**

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R.S.A.No.917 OF 2006

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Dated this the 30th day of November, 2006

**JUDGMENT**

This is the second appeal by a plaintiff challenging the concurrent decisions of the courts below dismissing the suit holding that his challenge against the sale deed executed by him is unsustainable. The only plea that was projected is that the documents reflected an unconscionably low consideration. It is not that there is total lack of consideration. Adequacy of consideration, by itself would not lead to any vitiating ground. The courts below have concurrently considered the entire materials on record and have found against the case of the plaintiff, a retired Government servant, that the document, though a sale deed, was never intended to be a sale deed, but only one executed as a security for the loan availed.

Having heard learned counsel, I am satisfied that the impugned judgments are not vitiated on account of any perverse appreciation of the evidence on record. Nor does the case give

rise to any substantial question of law under Section 100 of the Code of Civil Procedure. The appeal fails. The same is accordingly dismissed in limine.

**THOTTATHIL B.RADHAKRISHNAN**
**Judge**

kkb.